

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JOHN H. SELBY, JR.,

Plaintiff,

Case No. 3 12 0560

v.

THE NORTHWESTERN MUTUAL LIFE
INSURANCE COMPANY,

JUDGE CAMPBELL
MAGISTRATE JUDGE KNOWLES

Defendant.

NORTHWESTERN MUTUAL'S MOTION FOR SUMMARY JUDGMENT

The defendant, The Northwestern Mutual Life Insurance Company ("Northwestern Mutual"), hereby moves for the entry of summary judgment pursuant to Fed. R. Civ. P. 56(a) seeking the dismissal of all claims of John H. Selby, Jr. ("Selby") and the dismissal of this action.

Northwestern Mutual seeks dismissal of Selby's claims on the grounds that: 1) Selby's claims are barred by the three-year contractual limitations period; 2) Selby's contract unambiguously precludes lifetime benefits for insureds who are still gainfully employed beyond age 65; and 3) the parties' practical construction of the contract confirms that Selby would be ineligible for lifetime benefits if he were gainfully employed beyond age 65.

This Motion is supported by the accompanying Brief In Support Of Motion For Summary Judgment, the accompanying filings, and the entire record in this action.

Respectfully Submitted,

s/Paul F. Heaton

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CERTIFICATE OF SERVICE

I hereby certify that on December 19, 2012, a copy of the foregoing Northwestern Mutual's Motion for Summary Judgment was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

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